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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 12th June 2007

No.7720-1i/1(SS)-44/2006/LE.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the award dated the 4th May 2007 in I.D. Case No. 36/2006 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial dispute between the Management of Orissa State Road Transport Corporation, Bhubaneswar represented by the District Transport Manager (A), O.S.R.T.C. Ltd., Rourkela and the Managing Director, O.S.R.T.C. Ltd., Paribahan Bhawan, Bhubaneswar and their workman Smt. Arati Jena, W/o. Shri R.K. Samal, At-C/152, Keolnagar, Rourkela was referred for adjudication is hereby published as in the schedule below:—

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, SAMBALPUR

INDUSTRIAL DISPUTE CASE NO. 36 OF 2006

The 4th May 2007

Presents :

Shri P.K.Mohapatra,
Presiding Officer,
Labour Court,
Sambalpur.

Between :

The Management of
Orissa State Road Transport Corporation,
Bhubaneswar represented by

1. The District Transport Manager (A),
O.S.R.T.C. Ltd., Rourkela and
2. The Managing Director, O.S.R.T.C. Ltd.,
Paribahan Bhawan, Bhubaneswar

.. First-party—Management

And

Their workman
Smt. Arati Jena,
W/o. Shri R.K. Samal,
At-C/152, Keolnagar,
Rourkela.

.. Second-party—Workman

Appearances :

For the First-party—Management No. 1 and 2	.. None
For the Second-party—Workman	.. Self

AWARD

This case arises out of the reference made by the Government of Orissa, Labour and Employment Department U/s. 10 and 12 of the Industrial Dispute Act, 1947 vide Memo No. 11140(S), dated the 16th December 2006 for adjudication of the case scheduled below :—

“Whether the action of the Management of OSRTC in terminating the services of Smt. Arati Jena, Clerk with effect from 30th June 2004 is legal and/or justified? If not, to what relief Smt. Jena is entitled ?”

2. The workman named above has moved this Court to reinstate her in service with full back wages with the facts that she was appointed as a Teacher on 22nd October 1981 vide Memo. No. 7821, dated the 21st October 1981 in Rajya Paribahan Prathamika Bidyalaya, Rourkela under the administrative control of D.T.M. (A), Rourkela and then worked in that School and then there was a move to close down the same but due to the intervention of the Hon'ble High Court of Orissa and Government of Orissa it continued to function, but the Management did not pay her salary and lastly without any good ground on 9th July 2004 she was relieved from service for unauthorised absence and as the said action is arbitrary and illegal, the workman approached the Office of District Labour Officer-*cum*-Conciliation Officer, Rourkela and a conciliation proceeding was initiated. Thereafter the Conciliation Officer presented a failure report to the Government and then the dispute was referred to this Court for adjudication.

3. After receiving the copy of the order from the Government, the workman filed her statement of claim and then notices were sent to the Management. The Management NO. 1 is absent and the notice sent to the Management No.2 by Registered Post with A.D. returned after due service. But both of them did not turn up, as a result, they were set *ex parte*. Then the workman filed her affidavit evidence. In the body of the case, she has

mentioned the entire developments which culminated in her termination. By taking note of the unchallenged testimony of the workman and the documents filed by her, there are good grounds to conclude that the action of the Management of O.S.R.T.C. Ltd. in service with effect from 16th June 2004 is illegal and unjustified. Hence the following award.

AWARD

The reference is answered on *ex parte* basis against the Managements and in support of the workman. The action of the Management of O.S.R.T.C. Ltd. in terminating the services of Smt. Arati Jena, Clerk with effect from 16th June 2004 is held to be illegal and unjustified. The Managements are directed to reinstate the workman in service with full back wages within 30 days of the publication of the award.

Dictated and corrected by me

P.K. Mohapatra
Dt. 04-05-2007
Presiding Officer,
Labour Court,
Sambalpur.

P.K. Mohapatra
Dt. 04-05-2007
Presiding Officer,
Labour Court,
Sambalpur.

By order of the Governor

N.C.RAY

Under-Secretary to Government